

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

The Kroger Company
1014 Vine Street
Cincinnati, Ohio 45202

ATTENTION: Martha Sarra
Corporate Vice-President, Chief Ethics and Compliance Officer

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring The Kroger Company (Kroger or you) to submit certain information about the facilities listed in Appendix B. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit and the schedule on which you must submit the information.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Kroger owns and operates emission sources of chlorofluorocarbons at the facilities listed in Appendix B. We are requesting this information to determine whether you are complying with the Recycling and Emissions Reduction standards in 40 C.F.R. Part 82, Subpart F.

Kroger must send all required information to:

Attn: Compliance Tracker, AE-18J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Kroger must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

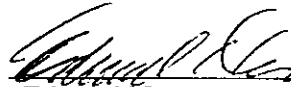
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Kroger to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Charles Hall at
(312) 353-3443 or by electronic mail at hall.charles@epa.gov.

3/4/19
Date



Edward Nam
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Chlorofluorocarbon Recycling and Emissions Reduction Standards, 40 C.F.R. Part 82, Subpart F.

Appendix B

Information You Are Required to Submit to EPA

Kroger must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) for each comfort cooling appliance (CCA) and commercial refrigeration appliance (CRA) at the stores listed below 90 days after the receipt of this letter and for each industrial process refrigeration unit (IPRU) at the facilities listed below 30 days after the receipt of this letter using the instructions and definitions supplied in Appendix A. Unless otherwise directed, provide the requested information for September 1, 2014, to the date of receipt of this information request.

1. Provide the following information for each CCA, CRA, or IPRU:
 - a. the identification number;
 - b. the system type (i.e., CCA, CRA, or IPRU);
 - c. the refrigerant type of class I or class II ozone-depleting substance;
 - d. the amount of the full charge of class I or class II ozone-depleting substance, the date the full charge was determined, and the method by which the full charge was determined;
 - e. each date on which Kroger or one of its subsidiaries added a class I or class II ozone-depleting substance to each CCA, CRA, or IPRU, performed a repair, replaced a part, or performed any other service on a CCA, CRA, or IPRU;
 - f. a complete detailed description of all refrigerant additions, including the amount of refrigerant added at the completion of each repair;
 - g. a complete detailed description of all repairs performed, parts replaced, or other service or maintenance (if repairs were not conducted, state the reasons);
 - h. for each refrigerant addition, provide the formula that Kroger used for its leak rate calculations and the calculated leak rates;
 - i. for IPRUs only, the dates, types, and results of each initial verification test after the repair of an appliance;

- j. for IPRUs only, the dates, types, and results of each follow up verification test after the repair of an appliance; and
- k. the name of the technician who performed the work.

The response is to include all records of addition, service and replacement or repair performed by Kroger employees, subsidiary employees, and/or contractors regardless of its format, i.e., hard copy or electronic. It shall include all documents referencing the addition, service, replacement or repair, all summary documents and any documents, such as spreadsheets and database information, created to track refrigerant usage or service, replacement or repairs.

Combined Division - Store Number	Address, City, State
CCAs and CRAs	
016::557	1060 Ashland Rd, Mansfield, OH
620::075	12959 S Parker Rd, Parker, CO
660::017	4150 E 22nd St, Tucson, AZ
660::103	1100 S State Route 260, Cottonwood, AZ
703::279	4700 Admiralty Way, Marina Del Rey, CA
ANR11	1919 S. Industrial Hwy, Ann Arbor, MI
706::147	5620 W 4100 S, West Valley City, UT
705::206	6411 SE Milwaukie Ave, Portland, OR
660::022	1835 E Guadalupe Rd, Tempe, AZ
701::603	301 E Wallace Kneeland Blvd, Shelton, WA
016::543	8460 E Main St, Reynoldsburg, OH
024::737	1060 Chinoe Rd Ste 190, Lexington, KY
026::543	2946 S Church St, Murfreesboro, TN
705::820	15800 Redmond Way, Redmond, WA
615::047	2815 SW 29th St, Topeka, KS
705::831	4101 49th Ave NE, Tacoma, WA
615::302	12025 W Center Rd, Omaha, NE
620::088	17031 Lincoln Ave, Parker, CO
615::001	1700 N 14th Ave, Dodge City, KS
704::532	7421 W Stockton Blvd, Sacramento, CA
708::789	4620 S Damen Ave, Chicago, IL
026::585	2945 Scottsville Rd, Bowling Green, KY
NEP28	580 Atlantic Blvd, Neptune Beach, FL
IAC20	1668 Sycamore St, Iowa City, IA
016::529	965 Poplar St, Nelsonville, OH
97::221	2019 S Glenburnie Rd, New Bern, NC
534::127	256 Lake St., Phillips, WI
534::329	1847 Egg Harbor Rd, Sturgeon Bay, WI
615::010	725 E 4th Ave, Hutchinson, KS
705::824	2902 228th Ave SE, Sammamish, WA
534::183	1312 Park St., Madison, WI

Combined Division - Store Number	Address, City, State
534::358	601 Ryan St, Pewaukee, WI
97::171	1621 N Sardis Rd, Charlotte, NC
704::764	300 Atlantic Ave, Pittsburg, CA
620::128	18211 E Hampden Ave, Aurora, CO
534::868	605 E. Lyon Street, Milwaukee, WI
706::188	80 Acoma Blvd N, Lake Havasu City, AZ
534::405	205 Central Bridge Street, Wausau, WI
701::653	1501 E Parks Hwy, Wasilla, AK
029::536	205 E Little Creek Rd, Norfolk, VA
018::455	30851 Gratiot Ave, Roseville, MI
97::181	2800 Arctic Ave, Virginia Beach, VA
620::013	1375 E South Boulder Rd, Louisville, CO
534::182	3010 Cahill Main, Fitchburg, WI
620::025	11747 W Ken Caryl Ave, Littleton, CO
706::376	2385 E Windmill Ln, Las Vegas, NV
701::005	2500 Santiam Hwy SE, Albany, OR
534::179	261 Junction Rd., Madison, WI
701::613	3527 S Federal Way, Boise, ID
701::464	4701 Highway 101, Florence, OR
660::048	1385 E Florence Blvd, Casa Grande, AZ
704::375	1091 S Hoover St, Los Angeles, CA
660::113	1245 W Main St, Mesa, AZ
706::459	8100 Wyoming Blvd NE, Albuquerque, NM
706::345	5564 Camino Al Norte, North Las Vegas, NV
660::070	14845 E Shea Blvd, Fountain Hills, AZ
701::656	2300 Abbott Rd, Anchorage, AK
660::618	3246 E Bell Rd, Phoenix, AZ
701::604	22303 Mountain Hwy E, Spanaway, WA
018::406	1200 E Bristol Rd, Burton, MI
011::979	1900 E Victory Dr Suite 12, Savannah, GA
704::782	20801 Bear Valley Rd, Apple Valley, CA
025::471	960 W Main St, Tupelo, MS
615::063	1111 W 8th St, Wellington, KS
620::034	1575 W 84th Ave, Federal Heights, CO
534::384	1010 Rochester Street, Mukwonago, WI
705::837	22131 SE 237th St, Maple Valley, WA
97::218	4101 Park Rd, Charlotte, NC
018::456	200 S Merriman Rd, Westland, MI
011::465	3425 Cascade Rd SW, Atlanta, GA
018::458	23849 West Rd, Brownstown, MI
706::180	906 Camel Dr, Gillette, WY
034::378	6055 N Fry Rd, Katy, TX
014::922	725 W Central Ave, Springboro, OH
014::370	3491 North Bend Rd, Cincinnati, OH

Combined Division - Store Number	Address, City, State
034::740	7747 Kirby Dr, Houston, TX
615::037	6829 SW 29th St, Topeka, KS
706::133	845 E 4500 S, Salt Lake City, UT
034::739	9125 W Sam Houston Pkwy N, Houston, TX
615::119	1159 E US Highway 54, Camdenton, MO
615::005	1305 E Kansas Ave, Garden City, KS
97::347	2639 Lawndale Dr, Greensboro, NC
704::766	5100 N Figueroa St, Los Angeles, CA
025::497	143 Friendly and Fresh Drive, Flowood, MS
701::071	2000 W Dimond Blvd, Anchorage, AK
534::364	10202 W Silver Spring Dr, Milwaukee, WI
620::040	12043 W Alameda Pkwy, Lakewood, CO
703::293	1233 N La Brea Ave, West Hollywood, CA
704::314	8530 Tobias Ave, Panorama City, CA
703::656	201 Madonna Rd, San Luis Obispo, CA
660::027	3616 E Ray Rd, Phoenix, AZ
704::306	44455 Valley Central Way, Lancaster, CA
016::853	7000 E Broad St, Columbus, OH
034::376	18518 Kuykendahl Rd, Spring, TX
615::088	4015 SW 10th Ave, Topeka, KS
706::477	750 N Main St, Logan, UT
016::880	1608 Marion Mount Gilead Rd, Marion, OH
704::364	3200 W Century Blvd, Inglewood, CA
660::051	1950 W Ray Rd, Chandler, AZ
706::149	1170 E Gentile St, Layton, UT
024::757	181 S Highway 27, Somerset, KY
620::426	0072 Beaver Creek Place, Avon, CO
021::836	302 W Market St, Warsaw, IN
025::410	676 N Germantown Pkwy, Cordova, TN
016::341	2474 Stringtown Rd, Grove City, OH
029::714	350 Patteson Dr, Morgantown, WV
035::695	5701 W Pleasant Ridge Rd, Arlington, TX
026::845	143 Mcgavock Pike, Nashville, TN
035::688	301 S Bowen Rd, Arlington, TX
704::512	2545 South Eastern, Las Vegas, NV
025::250	501 Lone Oak Rd, Paducah, KY
016::832	2129 S Main St, Bellefontaine, OH
014::919	8238 Princeton Glendale Rd, West Chester, OH
IPRUs	
Country Oven Bakery	2840 Pioneer Drive, Bowling Green, KY
Crossroad Farms Dairy	400 South Shortridge Road, Indianapolis, IN
Home Chef	1055 E. Cooley Ave., San Bernardino, CA
Indianapolis Bakery	6801 English Avenue, Indianapolis, IN
K.B. Specialty Foods	1225 N Broadway St., Greensburg, IN

Combined Division - Store Number	Address, City, State
LaHabra Bakery	850 S. Cypress, La Habra, CA
Turkey Hill Dairy	2601 River Rd, Conestoga, PA

2. For each technician, provide the date of certification for each technician referenced in number 1.k above, the level of certification, and a copy of each technician's certificate, unless already provided to U.S. EPA.
3. State whether Kroger has a corporate policy regarding maintenance, service, repair, and disposal of appliances which contain refrigerant. Provide copies of all written policies.
4. State whether Kroger has developed a retrofit or retirement plan for each CRA or IPRU with a leak rate, calculated with either Method 1 or Method 2 in the definition of "leak rate" in 40 C.F.R. § 82.156(j), greater than 35 percent. If so, please provide a dated copy of each plan.
5. State whether Kroger has developed a retrofit or retirement plan for each CCA with a leak rate, calculated with either Method 1 or Method 2 in the definition of "leak rate" in 40 C.F.R. § 82.156(j), greater than 15 percent. If so, please provide a dated copy of each plan.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Request to Provide Information Pursuant to the

Clean Air Act by Certified Mail, Return Receipt Requested, to:

Martha Sarra
Corporate Vice-President, Chief Ethics and Compliance Officer
The Kroger Company
1014 Vine Street
Cincinnati, Ohio 45202

I also certify that I sent a copy of the Request to Provide Information Pursuant to the

Clean Air Act by E-mail to:

Robert Hodanbosi
Ohio Environmental Protection Agency
bob.hodanbosi@epa.ohio.gov

Jim Kavalec
Ohio Environmental Protection Agency
jim.kavalec@epa.ohio.gov

Brad Miller
Southwest Ohio Air Quality Agency
bradley.miller@hamilton-co.org

on the 7th day of March 2019

Kathy Jones
Kathy Jones, Program Technician
AECAB, PAS

Certified Mail Receipt Number: 7017 6530 0000 6289 2235